

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KATHERINE CLAIRE HARRIS
8890 Soda Bay Road, #8
Kelseyville, CA 95451

Registered Nurse License No. 405095
Public Health Nurse Certificate No. 43557

Respondent

Case No. 2013-180

**ORDER CORRECTING CLERICAL ERROR IN
"EFFECTIVE DATE" PORTION OF THE
DECISION AND ORDER**

On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there is a clerical error in the "order and effective date" portion of the Decision and Order page in the above-entitled matter and that such clerical error should be corrected so that the order date and effective date will conform to the Board's intention.

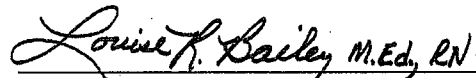
IT IS HEREBY ORDERED that the order date and the effective date contained in the Decision and Order in the above-entitled matter be and is hereby amended and

corrected nunc pro tunc as of the date of entry of the Decision and Order to read as follows:

"This Decision shall become effective on May 10, 2013."

"IT IS SO ORDERED April 11, 2013."

IT IS SO ORDERED this 18th day of April, 2013.



LOUISE R BAILEY M.ED., RN
EXECUTIVE OFFICER
BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHERINE CLAIRE HARRIS
8890 Soda Bay Road, #8
Kelseyville, CA 95451

Case No. 2013-180

Registered Nurse License No. 405095
Public Health Nurse Certificate No. 43557

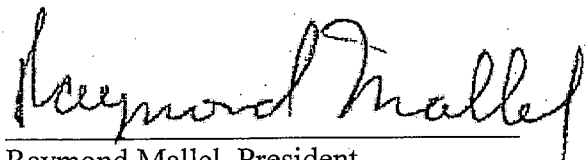
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 11, 2013.

IT IS SO ORDERED May 10, 2013.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-180

13 **KATHERINE CLAIRE HARRIS**
8890 Soda Bay Road, #8
Kelseyville, CA 95451

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

14 **Registered Nurse License No. 405095**
Public Health Nurse Certificate No. 43557

[Bus. & Prof. Code § 495]

15 Respondent.
16
17

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Shana A. Bagley, Deputy Attorney General.

25 2. Respondent Katherine Claire Harris (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.
27
28

3. On or about August 31, 1986, the Board of Registered Nursing issued Registered Nurse License No. 405095 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-180 and will expire on April 30, 2014, unless renewed.

4. On or about July 22, 1988, the Board of Registered Nursing issued Public Health Nurse Certificate No. 43557 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-180 and will expire on April 30, 2014, unless renewed.

JURISDICTION

5. Accusation No. 2013-180 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 12, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-180 is attached as exhibit A and incorporated in this Stipulated Settlement and Disciplinary Order for Public Reprimand by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in
Accusation No. 2013-180. Respondent has also carefully read, and understands the effects of this
Stipulated Settlement and Disciplinary Order for Public Reproval.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-180.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

11. Respondent has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified,

1 supplemented, or otherwise changed except by a writing executed by an authorized representative
2 of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Registered Nurse License No. 405095 and Public Health
8 Nurse Certificate No. 43557 issued to Respondent Katherine Claire Harris shall, by way of letter
9 from the Board's Executive Officer, be publicly reprovod. The letter shall be in the same form as
10 the letter attached as exhibit B to this stipulation.

11 IT IS FURTHER ORDERED that Respondent shall pay \$1,965.00 to the Board for its costs
12 associated with the investigation and enforcement of this matter. Respondent shall be permitted
13 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board
14 costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until
15 Respondent pays costs in full.

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.
18 I understand the stipulation and the effect it will have on my Registered Nurse License, and
19 Public Health Nurse Certificate. I enter into this Stipulated Settlement and Disciplinary Order for
20 Public Reapproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision
21 and Order of the Board of Registered Nursing.

22
23 DATED: 1-14-13

Katherine Claire Harris
KATHERINE CLAIRE HARRIS
Respondent

24
25 ///

26 ///

27 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 9 January 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

SF2011203663/ Stipulation for public reproval.rtf

Exhibit A

Accusation No. 2013-180

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-180**

12 **KATHERINE CLAIRE HARRIS**
8890 Soda Bay Rd #8
13 Kelseyville, CA 95451

A C C U S A T I O N

14 **Registered Nurse License No. 405095**
Public Health Nurse Certificate No. 43557

15 Respondent.
16

17 Complainant alleges:
18

PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1986, the Board of Registered Nursing issued Registered
23 Nurse License Number 405095 to Katherine Claire Harris (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on April 30, 2014, unless renewed.

26 3. On or about July 22, 1988, the Board of Registered Nursing issued Public Health
27 Nurse Certificate Number 43557 to Respondent. The Public Health Nurse Certificate was in full
28

1 force and effect at all times relevant to the charges brought herein and will expire on April 30,
2 2014, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code (Code) unless otherwise indicated.

7 5. Code section 2750 provides, in pertinent part, that the Board may discipline any
8 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
9 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license.

13 7. Under Code section 2811, subdivision (b), the Board may renew an expired license at
14 any time within eight years after the expiration.

15 STATUTORY PROVISIONS

16 8. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
17 license on the ground that the licensee has been convicted of a crime substantially related to the
18 qualifications, functions, or duties of the business or profession for which the license was issued.

19 9. Code section 2761 states, in pertinent part:

20 The board may take disciplinary action against a certified or licensed nurse or
21 deny an application for a certificate or license for any of the following:

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof. . . .

24 10. Section 2765 of the Code provides:

25 A plea or verdict of guilty or a conviction following a plea of nolo contendere
26 made to a charge substantially related to the qualifications, functions and duties of a
27 registered nurse is deemed to be a conviction within the meaning of this article. The
28 board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made

1 suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
3 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
4 guilty, or dismissing the accusation, information or indictment.

5 **REGULATORY PROVISION**

6 11. California Code of Regulations, title 16, section 1444, states, in pertinent part:

7 A conviction or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a registered nurse if to a substantial degree it
9 evidences the present or potential unfitness of a registered nurse to practice in a
10 manner consistent with the public health, safety, or welfare. Such convictions or acts
11 shall include but not be limited to the following:

12 (a) Assaultive or abusive conduct . . .

13 **COST RECOVERY**

14 12. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 **CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Convictions of Substantially Related Crimes)**
20 **(Bus. & Prof. Code §§ 490 and 2761, subd. (f))**

21 13. Respondent has subjected her registered nursing license to discipline under Code
22 sections 490 and 2761, subdivision (f), in that she was convicted of a crime that is substantially
23 related to the qualifications, functions, and duties of a Registered Nurse, within the meaning of
24 California Code of Regulations, title 16, section 1444. The circumstances are as follows:

25 A. On or about April 9, 2010, in a prior criminal proceeding entitled *People v. Katherine*
26 *Harris* in Lake County Superior Court, Case Number CR920894, Respondent was convicted of
27 violating Penal Code section 422 (Terrorist Threats), a misdemeanor offense. The court ordered
28 Respondent to serve 3 years of probation and 62 days in county jail, pay fines, abide by the Lake
County Mental Health Department directives, and to comply with other terms and conditions.
The record of the criminal proceeding is incorporated as if fully set forth.

1 B. The circumstances underlying the conviction are that on or about November 20, 2009,
2 a Lake County Sheriff officer arrested Respondent after her sister reported that Respondent had
3 thrown a fire extinguisher at her. Respondent's sister did not require medical attention.

4 **DISCIPLINARY CONSIDERATIONS**

5 24. To determine the degree of discipline, if any, to be imposed on Respondent,
6 Complainant alleges that on or about November 13, 2009, the Lake County Sheriff's Office
7 arrested Respondent for violating Penal Code section 422 (Terrorist Threats). Respondent's sister
8 had reported to the Lake County Sheriff's Office that Respondent had threatened to stab her.
9 Respondent's sister did not require medical attention. Criminal charges were not filed.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:


13 1. Revoking or suspending Registered Nurse License Number 405095, issued to
14 Katherine Claire Harris;

15 2. Revoking or suspending Public Health Nurse Certificate Number 43557, issued to
16 Katherine Claire Harris;

17 3. -- Ordering Katherine Claire Harris to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3; and

20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: September 12, 2012

23 *for* 
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 State of California
28 Complainant

SF2011203663/ accusation.rtf

Exhibit B

Letter of Public Reapproval in Case No. 2013-180

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



April 11, 2013

Katherine Claire Harris
8890 Soda Bay Road, #8
Kelseyville, CA 95451

RE: LETTER OF PUBLIC REPROVAL

In the Matter of the Accusation Against: Katherine Claire Harris, Registered Nurse
License No. 405095, Public Health Nurse Certificate No. 43557

Dear Ms. Harris:

On September 12, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License and Public Health Nurse Certificate. The Accusation alleged that on April 9, 2010, you engaged in unprofessional conduct under Business and Professions Code sections 490 and 2761, subdivision (f), due to a substantially related conviction and that on November 13, 2009, you were arrested for violating Penal Code section 422.

Taking into consideration that the incidents occurred 3 years ago, you have been licensed for over 24 years without incident, have participated in counseling to resolve the ongoing issues with your sister, that you completed court ordered conditions, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse and public health nurse, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

Louise R. Bailey M.Ed., RN
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California